μc

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA 08 JUL -7 AM 11: 12

| | | |
|---|---|---|
| **UNITED STATES OF AMERICA,** Plaintiff, v. **Jose VALENCIA-Gonzalez,** Defendant | ) | Magistrate Docket No. '08 MJ 2053 BY: DEPUTY<br>COMPLAINT FOR VIOLATION OF:<br>Title 8, U.S.C., Section 1326 Deported Alien Found in the United States |

The undersigned complainant, being duly sworn, states:

On or about **July 4, 2008** within the Southern District of California, defendant, **Jose VALENCIA-Gonzalez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF **JULY, 2008**

William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**
**Jose VALENCIA-Gonzalez**

**PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

On July 4, 2008, at approximately 9:30 P.M while performing line watch operations Supervisory Border Patrol Agent S. Houston observed six individuals being led by a seventh individual running north in an area known as the "Model Airplane Field". The "Model Airplane field is approximately two miles west of the San Ysidro port of entry, and 200 yards north of the United States / Mexico International Boundary Fence. Due to the fact that this area is frequently used by undocumented aliens to circumvent the port of entry and further their entry into the United States, Agent Houston identified himself as a Border Patrol Agent, and conducted an immigration inspection on all seven individuals. All of the subjects, including one later identified as the defendant **Jose VALENCIA-Gonzalez,** admitted to being citizens and nationals of Mexico, illegally in the United States, and did not possess any immigration documents that would allow them to legally enter or remain. At approximately 09:35 P.M. Agent Houston arrested all the subjects including the defendant and had them transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **June 10, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally.

**Executed on July 5, 2008 at 10:00 a.m.**

Tomas M. Jimenez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **July 4, 2008**, in violation of Title **8**, United States Code, Section **1326**.

William McCurine Jr.
United States Magistrate Judge

7/5/08 1243 hrs
Date/Time